

NOTICE OF INTENT TO PROMULGATE RULES

8/5/1993

IDAPA 37, Department of Water Resources
1301 North Orchard St., Boise, ID 83706

DOCKET NO. 37-0312-9301, RULES GOVERNING WATER DISTRIBUTION IN WATER DISTRICT 34, THE BIG LOST RIVER BASIN, INCLUDING CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER, NOTICE OF INTENT TO ENGAGE IN INFORMAL, NEGOTIATED RULE-MAKING.

Subject Matter. R. Keith Higginson, Director, Idaho Department of Water Resources, gives notice, pursuant to IDAPA 04.11.01812, of the intent of the agency to engage in informal, negotiated rule-making to develop proposed rules governing the distribution of water in Water District 34, The Big Lost River Basin, including conjunctive management of surface and ground water, to provide regulatory guidance for distribution of water by the Watermaster of State Water District 34 which has been established pursuant to chapter 6, title 42, Idaho Code.

Authority. Statutory authority for this informal, negotiated rule-making is in Section 42-603, Idaho Code, which authorizes the Director of the Department of Water Resources to adopt rules and regulations for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources as shall be necessary to carry out the laws in accordance with the priorities of the rights of the users thereof. Section 67-5220, Idaho Code, effective July 1, 1993, encourages and provides authority for agencies to engage in informal negotiated rule-making, a process in which all interested parties and the agency seek consensus on the content of a rule.

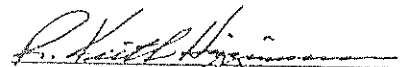
Issues. The principal issues involve the distribution of surface and ground water in State Water District 34. Among the issues anticipated to be addressed are the efficient delivery of water within the basin, the allocation and use of "rotation credit," the regulation of water diversions from all sources and the implementation and operation of a management plan to allow full economic development of the water resources in the basin while protecting senior water rights. The interests which are likely to be significantly affected by the rule include all holders of surface and ground water rights within the Big Lost River Basin.

Agency Contacts. The person designated to represent the agency in this rule-making proceeding is R. Keith Higginson, Director, and such other personnel of the agency as the Director may designate to assist in this rule-making proceeding.

Method of Participation. Persons are invited by publication or receipt of this notice to submit written comments. The agency may convene public meetings of interested persons to consider the matter proposed by the agency and to attempt to reach a consensus concerning a proposed rule with respect to the matter and any other matter the parties determine is relevant to the proposed rule.

Schedule. A public information meeting to discuss the issues to be addressed by these rules and the negotiated rule making process will be held September 15, 1993 at 7:30 p.m. in the Mackay High School Auditorium, Mackay Idaho. The comment deadline is October 15, 1993. The agency target date to complete negotiations and to publish a proposed rule is December 31, 1993.

DATED this 5TH day of August 1993.


R. KEITH HIGGINSON
Director